

IN THE CLAIMS

Please cancel Claims 5 and 6 without prejudice.

REMARKS

Claims 1-9 are pending in the application.

Claims 1-9 have been rejected.

Claims 5 and 6 have been canceled.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,324,265 B1 to Christie IV, et al. The Examiner's rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Examiner argues with respect to independent Claims 1 and 7 that Christie IV, et al. (citing Figure 1A and col. 3, lines 40-53) anticipate the Applicant's elements in Claim 1 (and dependent Claims 2-3) which recite, *inter alia*, "each server being characterized in that it establishes a data exchange transaction with said client device in a manner autonomous from a data exchange transaction between said client device and a different server"; and in Claim 7

(and dependent Claim 8-9) which recite, inter alia, “establishing a plurality of autonomous data exchange transactions between said client device and said servers to execute a series of functions permitting establishment of a voice communication session.” See, Applicant’s Claims 1,7. Applicant respectfully disagrees that the figure/text cited from Christie IV, et al. by the Examiner provides proper support for the Examiner’s rejection. Nothing in the figure/text, as cited, discloses Applicant’s server/autonomous element, as claimed in Claims 1 and 7. Accordingly, the Examiner has failed to establish a prima facie case of anticipation with respect to Claims 1 and 7 (and dependent Claims 2-3 and 8-9).

The Examiner further argues with respect to independent Claim 4 that Christie IV, et al. (citing Figure 1A) anticipate the Applicant’s elements in Claim 4 which recite, inter alia, “each server capable of interacting autonomously from other servers with telephone instruments connected to said network to execute a certain function of a voice communication session.” See, Applicant’s Claim 4. Applicant respectfully disagrees that the figure cited from Christie IV, et al. by the Examiner provides proper support for the Examiner’s rejection. Nothing in the figure, as cited, discloses Applicant’s server/autonomous element, as claimed in Claim 4. Accordingly, the Examiner has failed to establish a prima facie case of anticipation with respect to Claim 4.

Accordingly, the Applicants respectfully request the Examiner withdraw the Section 102(e) rejection of Claims 1-4 and 7-9.

II. CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims 1-4 and 7-9 in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

Claims 5 and 6 were canceled, and no markings to show changes made are necessary.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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